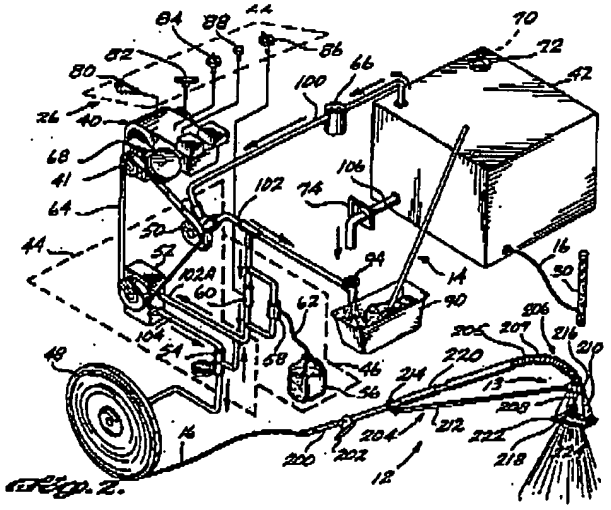
2. Remarks

Claims 1 through 15 are rejected as obvious over Chayer and further in view of Straiton. For the reasons detailed below, Applicant respectfully traverses the rejections. Neither Chayer nor Straiton describes many of the structural features found in the claims and even a combination of the two references would not read on the claimed inventions. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness and the claims are allowable.

The Examiner does a thorough job of describing both of the cited references. Notably missing, however, from both references are several structural elements called out in the present claims. Moreover, other structural features described in the patents are not structurally equivalent to elements in the claims.

Chayer's portable car washing system has an engine and pump mounted to a wheeled chassis, but does not include (a) a rotary valve mounted to the chassis; (b) two wands *connected* to the rotary valve so that rotation of the valve causes the wands to rotate; and (c) a nozzle mounted to each wand so that water is sprayed from the nozzles toward the surface. Fig. 2 from Chayer is reproduced below.

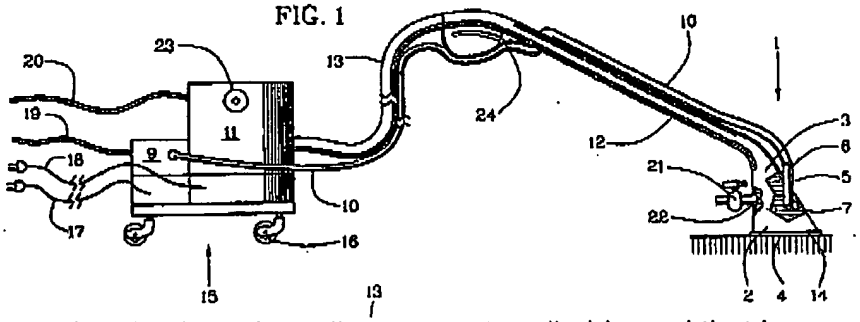


Chayer's wand 12 is a handheld wand that is separated from the chassis. Apart from the fluid connection between the wand and the chassis, the wand is not in any way connected to the chassis, and certainly is not mounted to the chassis. Since Chayer does not describe a rotary valve at all, the wand cannot be connected to a rotary valve. Accordingly, rotation of a valve cannot cause the wand to rotate. Likewise, Chayer does not describe any structure that is at all similar to the diffuser plates of the present invention. The Examiner cites Chayer's spray shield 210, presumably as disclosing a diffuser plate. However, as noted below, the spray shield 210 is not mounted to the chassis

between the nozzles and the surface, and fundamentally is incapable of occluding a portion of the path of water as it is sprayed from the nozzles.

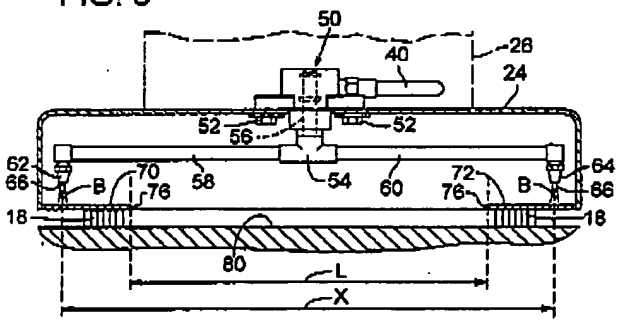
Like Chayer, Straiton fails to describe many of the structural features called out in the claims of the present invention. Straiton's Fig. 1 is reproduced below.

FIG. 1



It may be seen that Straiton also relies upon a handheld wand that is connected to a water and vacuum source. Straiton does not describe a rotary valve, let alone a rotary valve with wands connected to it, and with nozzles connected to the wands. Straiton does describe a rotary spray nozzle (column 5, lines 1 – 5), but a rotary spray nozzle is structurally very different from the structure called out in the claims of the present invention, and in the context of Straiton system a rotary spray nozzle would be mounted to the water blast nozzle 5, which of course is not mounted to the chassis and cannot be rotated as the wands rotate, as required by the claims.

FIG. 3



Both Chayer and Straiton are very different from the instant invention, which is well-illustrated by Fig. 3 on the left. In this invention a rotary valve 50 is mounted to the chassis and the wands 58 and 60 rotate as the rotary valve rotates. Nozzles 62 and 64 are mounted to the wands and direct a spray of water toward the underlying surface 80 in a rotary pattern. Diffuser plates 70 and 72 are mounted to the chassis between the nozzles and the surface such that the diffuser plates occlude a portion of the spray pattern of water as it is sprayed out of the nozzles. As

set forth in detail below, given the vast structural and functional distinctions between the invention and the prior art, the claims are not obvious in view of the references cited by the Examiner.

The well-established test for a *prima facie* case of obviousness requires, among other things, that the prior art references teach or suggest all of the claim limitations. The MPEP, in section 2143, sets forth what is needed for establishing a *prima facie* case of obviousness for rejecting claims under 35 USC § 103. The pertinent portion of that section is reproduced here:

> *"To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."*

In this case, the cited references fail to meet these criteria.

Specific comments with respect to individual claims follow.

Claim 1 requires a rotary valve mounted to the chassis and at least two wands connected to the valve so that rotation of the valve causes the wands to rotate. Claim 1 further requires a nozzle mounted to each wand and oriented so that water is sprayed toward the surface. Neither Chayer nor Straiton describe or suggest a rotary valve mounted to the chassis. Neither describes nor suggests wands connected to the valve, and so of course neither reference can suggest that rotation of the valve causes rotation of the wands. The Examiner argues that "it is commonly known to use rotary valves for achieving said functions in the art of cleaning surfaces using pressurized spray nozzles as demonstrated herein." Without acquiescing in the Examiner's point, and saving for now any challenge to the Examiner's reliance upon a "common knowledge" standard (see, e.g., MPEP § 2144.03), there is still no teaching or suggestion in either of the references of the structural features called out in claim 1 (i.e., rotary valve mounted to chassis, wands connected to the valve). Accordingly, there is nothing in either reference or in the

"common knowledge" that would suggest modification of the references to arrive at the claimed invention. Moreover, since numerous structural limitations found in claim 1 are not disclosed by the art, the art does not meet the requirement of teaching or suggesting all of the claim limitations. Accordingly, there could be no reasonable expectation of success.

Claims 2 and 3 limit claim 1 by adding that the rotary valve causes the nozzles to rotate in circular pattern (claim 2), and so that the path is circular (claim 3). While it is true that an individual holding either of the handheld wands taught by Chayer or Straiton could move them in a circle, that movement would not read on claims 2 or 3 because the basic structural features found in independent claim 1 are not described or suggested by the references.

Claim 4 is directed to the diffuser plates described in the specification, and this claim is amended to specify that the plates are mounted to the chassis between the nozzles and the surface so that the plates occlude at least a portion of the path. The diffuser plates of the present invention are detailed in Figs. 2 and 3 (structures 70 and 72) and are described in detail in the specification at pages 8 through 12. In a nutshell, as the wands and nozzles rotate the nozzles pass over the diffuser plates for a portion of the rotational path, and accordingly, the diffuser plates occlude at least a portion of the spray path. As a result of the diffuser plates, the otherwise circular spray pattern of water sprayed onto the surface is truncated where the water sprayed from the nozzles hits the diffuser plates rather than the surface (see, e.g., Fig. 4 and the accompanying description). The purpose for this structure is described in the specification (see, e.g., page 10, last paragraph), and in nutshell, protects the underlying surface from damage.

Chayer's spray shield 210 is not a structural equivalent of the claimed diffuser plates, and does not provide the same function. First, the spray shield is not mounted to the chassis, as required by claim 4. Second, the spray shield does not include diffuser plates mounted between the nozzles and the surface so that the plates occlude a portion of the path. Indeed, Chayer specifically shapes his spray shield similarly to the spray pattern so that the spray shield *assists* in directing the spray onto the car, not so that a portion of the spray is occluded (column 7, lines 25

through 37). As such, Chayer actually teaches away from use of a diffuser plate that occludes part of the spray path. While Chayer's spray shield does reduce overspray (to avoid, for example, inadvertent spraying of adjacent cars), this is not the same as occluding a portion of the spray path.

Independent claim 9 is distinguishable from both Chayer and Stralton for many of the same reasons noted above. Claim 9 includes water distribution means connected to the rotary valve for directing water sprayed from a pair of nozzles in a 360° rotary spray pattern toward a surface, and diffuser plate means for interrupting the rotary spray pattern in at least part of the 360° rotary pattern. As noted, the references cited by the Examiner do not disclose a rotary valve, let alone a valve that is associated with any structure that is capable of rotating a pair of nozzles in a 360° rotary spray pattern (neither reference discloses more than one nozzle, either). Moreover, claim 9's diffuser plate means operate to interrupt the spray pattern in at least part of the 360° rotary pattern. As noted above with respect to claim 4, Chayer's spray shield is not structurally configured to accomplish this function and does not teach or suggest any structure by which the function could be accomplished.

Claim 10 includes the limitation of a pair of opposed wands with a nozzle connected to each wand. Neither reference cited by the Examiner teaches a pair of wands. While mere duplication of parts is within the skill of those in the art, that argument does not apply here because the wands and nozzles are part of the water distribution means of claim 9 that requires connection to a rotary valve.

The limitations found in claim 11 relate to the diffuser plate means. This claim is allowable for the same reasons detailed above with respect to claim 4.

Claim 12 specifies that each diffuser plate interrupts the rotary spray pattern through an arc of at least about 45°. In addition to the references failing to teach or suggest a diffuser plate that is at all capable of interrupting a rotary spray pattern, the references fail to teach or suggest any structure that would be capable of interrupting a spray pattern through any portion of the rotational arc.

Claim 13 calls out movement of the chassis in a linear path, and wherein the diffuser plates interrupt the rotary spray pattern at opposite lateral side edges of the

rotary spray pattern. It is beyond pale that both of the references cited by the Examiner are structurally and functionally incapable of this. With both Chayer and Straiton, movement of the chassis in a linear path does nothing to cause water to be sprayed in a circular path. Indeed, movement of the chasses is not associated with spraying of water, since that is only accomplished with a handheld wand. Even if the wands of Chayer and Straiton were moved linearly, there would be no rotary spray pattern (i.e., if the wands were moved linearly, they would not also be moving rotationally). Finally, even if the wands were moved linearly and rotationally there would be no diffuser plates that occlude lateral edges of a rotary spray pattern.

Both the structure and function of the inventions claimed in the present application are remarkably different from the cited prior art. In view of the foregoing comments and the amendments made herein, all of the claims are allowable over the art cited by the Examiner. Allowance of the claims is respectfully requested.

Respectfully submitted,

June 7, 2006

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